

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gerritsen et al.

Application No. 10/824,075

Filed: April 14, 2004

For: **METHODS AND COMPOSITIONS
FOR SELECTIVE MODULATION OF
VASCULARIZATION**

Confirmation No.: 7011

Art Unit: 1646

Examiner: LI, Ruixiang

Electronically Filed on:

May 6, 2008

Mail Stop Issue Fee

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Sir:

RECALCULATION OF PATENT TERM ADJUSTMENT

The Office mailed a Notice of Allowance in the above-referenced application on April 24, 2008. With the Notice of Allowance, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), which indicated a Patent Term Adjustment ("PTA") of 522 days. Applicants respectfully submit that the PTA should be recalculated to subtract the period of time between the initial deadline for responding to the Final Office Action mailed October 23, 2007 (copy of Final Office Action attached as Exhibit A), i.e., **January 23, 2008**, and the receipt of the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, i.e., **March 4, 2008** (copy of RCE, petition for extension of time, and electronic Acknowledgement Receipt attached as Exhibits B, C, and D). Since the RCE was filed more than three months after the mailing of

the Final Office Action, in accordance with 37 C.F.R. §1.704(b), the period of adjustment is reduced. Applicants note that the number of days between January 23, 2008 and March 4, 2008 (i.e., 41 days) should be subtracted from the PTA set forth in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b), for a total of $522-41=$ **481 days**.

Because Applicants are filing this Request prior to payment of the Issue Fee, Applicants submit that this Request is timely filed.

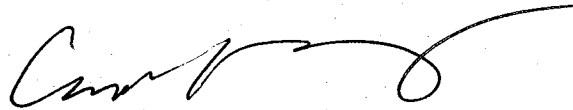
Applicants believe that no fees are required for consideration of this Request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

Dated: May 6, 2008

By: _____



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